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Supreme Court, U.S.
FILED
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No. H 95-194

IN THE

SUPREME COURT OF THE UNITED STATES

TERM, 1995

DAVID HENRY HAAS
Adjunct Professor, J.D.

vs.

UNITED STATES POSTAL SERVICE
c/o General Mail Facility
Pittsburgh, PA

SUPPLEMENTAL APPENDIX

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12 pp

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PROF. DAVID HENRY HAAS, J.D.	)	
Plaintiff	)	Civil Action No. 93-901
v.	)	JUDGE LANCASTER
UNITED STATES POSTAL	)	MAGISTRATE JUDGE
SERVICE,	)	BENSON
C/O GENERAL MAIL FACILITY,	)	
PITTSBURGH, PA,	)	
Defendant	)	

MEMORANDUM ORDER

On June 25, 1993, this case was referred to United States Magistrate Judge Kenneth J. Benson for pretrial proceedings in accordance with the Magistrates Act,28 U.S.C. ∞636 (b)(1)(A) and (B), and Rules 3 and 4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on June 8,1994, recommended that defendant's motion to dismiss (Docket #9) be granted, and that its motions for more definite statement (Docket #3 and #9) be denied as moot. The parties were allowed ten (10) days from the date of service to file objections. Service was made on plaintiff by certified mail delivery on June 9, 1994, and on counsel for defendant by first-class mail on June 8, 1994. Objections to the report and recommendation were filed by plaintiff on June 15, 1994 (Docket #15), and on June 27, 1994, a supplement to plaintiff's objections was filed (Docket #16). After de novo review of the pleadings and documents in the case, together with the report and recommendation and

objections thereto, the following order is entered:

AND NOW, this _____ day of _____, 1994;

IT IS HEREBY ORDERED that defendant's motion to dismiss (Docket #9) is granted, and the motions for more definite statement (Docket #3 and #9) are denied as moot.

The report and recommendation of United States Magistrate Judge Kenneth J. Benson, dated June 8, 1994 (Docket #13), is adopted as the opinion of the court.

GARY D. LANCASTER
UNITED STATES DISTRICT JUDGE

cc: Honorable Kenneth J. Benson
United States Magistrate Judge

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SUPPLEMENTAL APPENDIX B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PROF. DAVID HENRY HAAS, J.D., Plaintiff,	)	
	)	Civil Action No. 93901
v.	)	JUDGE LANCASTER
	)	MAGISTRATE JUDGE
BENSON UNITED STATES POSTAL SERVICE, C/O GENERAL MAIL FACILITY, PITTSBURGH, PA, Defendant,	)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. RECOMMENDATION

It is respectfully recommended that defendant's motion to dismiss (Docket #9) be granted, and that its motions for more definite statement (Docket #3 and #9) be denied as moot.

II. REPORT

The complaint in this case was filed by "Prof: David Henry Haas J.D. (In-Fact)" on June 8, 1993 (Docket #1). The pleading is ten pages long, six pages of which form the heart of the complaint. It is a document which is very hard to understand.

On July 19, 1993, the defendant United States Postal Service filed a Motion for a More Definite Statement (Docket #3) and a memo-

randum in support. In its motion the defendant states what must frankly be taken as the obvious truth: that the complaint "is so vague and ambiguous that defendant cannot frame a responsive pleading." The defendant also observes that it is unable to determine from a reading of the complaint whether service should have been effected in accordance with Fed.R.Civ.P. 4(d)(4) or 4(d)(5), and whether the plaintiff has named the proper party defendant In order for the defendant to be able to take a position on these latter two issues, it needs to understand the claims being asserted. And this the defendant reasonably cannot do.

On August 16, 1993, plaintiff filed a "Plaintiff Secure [sic] Motion for a More Definite Statement: In-Fact-Per Request" (Docket #8). This document can only be construed to be plaintiff' response to the defendant's motion. Whatever it may be, however, it is not a more definite statement of anything. Altogether, plaintiff's response is thirty-one pages long and at least as hard to understand as was the complaint.

On October 25, 1993, the defendant filed a Motion to Dismiss, or in the Alternative, Second Motion for a More Definite Statement (Docket #9) and a memorandum in support. Defendant noted therein that, in light of plaintiff's pleading at Docket #8, it now had even more concerns regarding preparing an answer, including whether defenses under the Federal Tort Claims Act or on the basis of subject matter jurisdiction are warranted. Plaintiff was directed to respond to the

motion on or before November 26, 1993 (Docket #11). On November 10, 1993, the Clerk received from Plaintiff an untitled document, consisting of eleven handwritten pages, and eight exhibits totaling fourteen more pages The document was returned to plaintiff on November 12, 1993, along with an order informing plaintiff that he could refile the document, with the request that he "Please indicate the title of enclosed document received November 10, 1993" (Docket #12). No response has been received from plaintiff to date. The court must assume that the November 10, 1993 submission is intended as plaintiff's response to defendant's latest motion. Hence, I have directed that the submission be docketed (Docket #13), although, quite frankly, the document neither addresses the issues raised by the motion, nor does it assist the court or defendant in interpreting the complaint. In any event, the court has received what it believes to be plaintiff's responses to both of defendant's motions. Therefore, those motions are now ripe for disposition.

LEGAL STANDARDS

Defendant asserts that plaintiff has failed to comply with this court's order to respond to the first motion for more definite statement, and that this action ought to be dismissed pursuant to Rule 12(e). That rule provides that "[i]f the motion is granted and the order of the court is not obeyed within 10 days after notice of the order ... the court may strike the

pleading ...." Here, however, the court has not granted defendant's motion for a more definite statement, it has merely ordered plaintiff to respond thereto. This plaintiff has done, albeit in a manner equally as confusing as his complaint.

It is also apparent, however, that plaintiff has notl filed a complaint which complies with the requirement of a "shortl and plain statement of the claim showing that the pleader is entitled to relief .... " F.R.Civ.P. 8(a). Further, his submission on two occasions of "responses" to motions for more definite statement which are equally, if not more, confusing than the complaint itself establish not only that plaintiff has not provided a short and plain statement of his claim(s), but also that plaintiff is incapable of doing so. I am convinced that plaintiff would be unable to file a comprehensible complaint even if directed to replead. Hence, although the request is for more definite statement, dismissal is the only appropriate result, since a direction to replead would do nothing but waste the valuable time of defendant's counsel and this court.

CONCLUSION

Wherefore, on the basis of the foregoing, it is respectfully recommended that defendant's motion to dismiss (Docket #9) be granted, and the motions for more definite statement (Docket #3 and #9) be denied as moot.

In accordance with the Magistrates Act, 28 U.S.C. Section 636(b)(1)(B) and (C), and Rule 4 of the Local Rules for Magistrates,

the parties are allowed ten (10) days from the date of service to file objections to this report.

KENNETH J. BENSON
UNITED STATES MAGISTRATE JUDGE

Dated June ____, 1994

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SUPPLEMENTAL APPENDIX C

THE CONCERNS OF DAVID HENRY HAAS, ADJ. PROF.
OF THE UNITED STATES OF AMERICA

PROF. DAVID HENRY HAAS, J.D.	)	
Plaintiff	)	Civil Action No. 95-194
v.	)	
UNITED STATES POSTAL SERVICE,	)	
C/O GENERAL MAIL FACILITY,	)	
PITTSBURGH, PA,	)	
Defendant	)	

I. No grounds for exoneration, in time, place and grave matter of prudent jurisprudence of overwhelming evidence thus now allowing the Plaintiff properly adjudicated redress into subject matters of grave awareness. Wilful and misrepresentative omission of authentic facts on crucial matters. Abating full due process on significant issues while taking upon themselves others restricting my full constitutional rights and administration thereof.

II. To allow myself federal magistrate proceedings. From the very onset when I emphatically denied to allow myself the right of selection of jury to engage in full rights not afforded to me under the U.S. Constitution and administration to allow this case not to be brought before a jury is unwarranted. The sufficiency of evidence of grave

injustice is very prevalent and substantial grounds to withstand the acid tests of trial by jury, and thus this course of action was injustice towards my civil rights.

III. Note: Congress, the Court and my selection is a critique of Title of #1 and #2 of the Civil Rights Provision Right of the Bill of 1966 - 52 Val. Rev. 1069, 1072-1074-1966 J.D. at 1075, 1080. A gross disenchantment of the mechanism of administrative policy arrangments while not affording the Plaintiff redress on overwhelming evidence. The injured (severely) is seeking a fresh solution to the problem in quest of avoiding ill-responsiveness and thus allowing more sensitivity to guaranteed Constitutional policy and rights thereof.

IV. Statements and Course of Action under 18 USC & 242 Sec., 18 USC and its counterparts of 42 USC 1983 and its derivatives from Sect. 2 of C.R. Act or 1866. This makes it a crime to:

(1) Who acts under "Color of Legal" authority to a willfully subject or U.S. inhabitant or take to deprive a U.S. born citizen his or her federal, Constitutional and statutory rights away (not allowing equal protection under the U.S. Constitution) and its statues of Sec of 1983 Civil Rights Act, while under Sec. 1983 and Provisions of Civil Remedies.

Meanwhile, the Department of Justice and Power of Prosecution under Sec. 242 can be brought to "prosecution" against federal personnel in Sec. 1983 thereof respectfully, so circumstantial evidence,

overwhelming facts are strictly prevalent and paramount. In this particular case of misrepresentations, omissions of U.S. Constitutional Rights, administrative and written xxxxx wthin the Complaint.

VI. Henceforth and thus summing up the consequence of acts and proof positive of harmful acts of the U.S. Postal Service intentional torts and others, my grave concern and high recommendations of this total subjected inequities is towards the U.S. Postal Service and jurisprudence proceeding and the coupling effects of that of U.S. Department of Justice is giving me just cause toward remedies of these inequities. While among other situations a judgment in favor of Plaintiff against all of Defense categorically, such fraudable judgment, and gross wanton Irregularities of Injustice are valid and cohesive in form and fashion. The only proper redress of material facts grossly construdes their evasion of my Constitutional Rights and Agreement under U.S. Constitution were severely interfered with. Determined falsehood has been endorsed and thus correctiveness of asserted behavior by all parties/personnel in such. It was illegal admission of Plaintiff's conveyance to be honestly adjucated. From the very onset until present consideration the injured person was not afforded equal protection by law to the injured party. Due to alleged conspiracy of full due process, not be fully warraned to a distinctly severely disabled person, in, out and around, mailed evidence of harmful torts against Plaintiff.

The Plaintiff doesn't have a mutual consent to agree with a federal magistrate judge under 28 USC #636(c)1 and thus inclines myself to a lesser that a full judge in order to preserve my Constitutional Rights to a trial by jury. There is no other way that in light of subject matter at that time that the Plaintiff would be awarded honest and competent law by an unbiased observer such as a jury. This undertaking was not sanctioned by the Appellant. The evidence in itself was/is more than sufficient to warrant a red flag on the merits of the case in light of other inequities of any or all parties of concern. A severely disabled person in effacent pain syndrome warranst more consideration and understanding of this case and administer law righteously in itself is a serious problem concern and again warrants full juris prudence instead of intellectual cover-up.

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